

LEGISLATIVE COUNSEL
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TRAVEL EXPENSES AMENDMENTS ACT OF 1974

DECEMBER 6, 1974.—Ordered to be printed

Mr. BROOKS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 3341]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3341) to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Travel Expenses Amendments Act of 1974".

SEC. 2. (a) Section 5701(2) of title 5, United States Code, is amended to read as follows:

"(2) 'employee' means an individual employed in or under an agency, including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at one dollar a year;"

(b) Section 5705 of such title 5 is amended by striking out "or individual" wherever it appears.

SEC. 3. Section 5702 of title 5, United States Code, is amended to read as follows:

"§ 5702. Per diem; employee traveling on official business

"(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his desig-

nated post of duty or, in the case of an intermittent employee, his home or regular place of business, is entitled to a per diem allowance for travel inside the continental United States at a rate not to exceed \$35. For travel outside the continental United States, the per diem allowance shall be established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rates may be allocated proportionately.

"(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses until such time as he can again travel, and to the per diem allowance and transportation expenses during return travel to his designated post of duty.

"(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed—

"(1) \$50 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (A) due to the unusual circumstances of the travel assignment, or (B) for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title; or

"(2) \$21 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel.

"(d) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28."

SEC. 4. (a) Section 5703 of title 5, United States Code, is repealed.

(b) Item 5703 contained in the analysis of subchapter I of chapter 57 of such title is repealed.

SEC. 5. Section 5704 of title 5, United States Code, is amended to read as follows:

"§ 5704. Mileage and related allowances

"(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to—

"(1) 8 cents a mile for the use of a privately owned motorcycle;

"(2) 15 cents a mile for the use of a privately owned automobile; or

"(3) 18 cents a mile for the use of a privately owned airplane, instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle when a Government vehicle is readily available, payment on a

mileage basis is limited to the cost of travel by such Government vehicle.

"(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

- "(1) parking fees;
- "(2) ferry fees;
- "(3) bridge, road, and tunnel costs; and
- "(4) airplane landing and tie-down fees."

SEC. 6. Section 5707 of title 5, United States Code, is amended to read as follows:

"§ 5707. Regulations and reports

"(a) The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government. Such regulations shall state the specific rate of the per diem allowance, within the dollar limitations prescribed in the first sentence of section 5702(a) of this title, and a specific rate of reimbursement for actual and necessary expenses of official travel to each high rate geographical area under section 5702(c) (1) of this title, to which an employee is entitled.

"(b) (1) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year. In conducting the investigations, the Administrator shall review and analyze among other factors—

- "(A) depreciation of original vehicle cost;
- "(B) gasoline and oil (excluding taxes);
- "(C) maintenance, accessories, parts, and tires;
- "(D) insurance; and
- "(E) State and Federal taxes.

"(2) At least once each year, the Administrator shall determine, based upon the results of his investigations, specific figures each rounded to the nearest one-half cent, of the average, actual cost a mile during the period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than five working days after he makes his determination. Each such report shall be printed in the Federal Register. The cent figures contained in paragraphs (1), (2), and (3) of section 5704(a) of this section, or any adjustments previously made thereto and in effect under that section, shall be adjusted by the Administrator within thirty days following the submission of that report to the figures so determined and reported by him. Those figures shall not be less than the figures in effect under that section immediately after the enactment of the Travel Expense Amendments Act of 1974, nor shall those figures ever be adjusted to figures greater than—

- "(A) 11 cents a mile for the use of a privately owned motorcycle;

"(B) 20 cents a mile for the use of a privately owned automobile; and

"(C) 24 cents a mile for the use of a privately owned airplane. Those adjusted figures shall also be included in the regulations prescribed under this section."

SEC. 7. Item 5707 contained in the analysis of subchapter I of chapter 57 of title 5, United States Code, is amended to read as follows:

"5707. Regulations and reports."

SEC. 8. The seventh paragraph under the heading "ADMINISTRATIVE PROVISIONS" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "\$25" and "\$40" and inserting in lieu thereof "\$35" and "\$50", respectively.

SEC. 9. Section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58), is amended—

(1) by striking out of subsection (a) (8) "actual transportation expenses", wherever it appears, and inserting in lieu thereof "travel expenses"; and

(2) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) In accordance with regulations prescribed by the Committee on Rules and Administration, an employee in a Senator's office shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the 120 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office. Reimbursement of per diem and actual travel expenses shall not exceed the rates established in accordance with the seventh paragraph under the heading 'Administrative Provisions' in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment."

SEC. 10. Any increases in expenses of per diem, travel, transportation, mileage, and subsistence incurred during fiscal year 1975 as the result of the enactment of this Act shall be absorbed by the departments, agencies, independent establishments, and other entities of the three branches of the United States Government and the government of the District of Columbia incurring such increases. No amounts shall be appropriated for fiscal year 1975 to pay for such increases.

SEC. 11. (a) Section 111(a) of title 38, United States Code, is amended by adding at the end thereof the following: "In no event shall

the amount paid for expenses of travel or mileage allowance under this section in the case of any veteran with a service-connected disability be less than the amount paid therefor under section 5702 or, when mileage allowance is paid in lieu of per diem or actual expenses of travel, less than the amount paid therefor under section 5704 of title 5."

(b) The amendment made by subsection (a) of this section shall become effective July 1, 1975.

And the House agree to the same.

CITET HOLIFIELD,
JACK BROOKS,
JAMES V. STANTON,
CARDISS COLLINS,
FRANK HORTON,
JOHN BUCHANAN,
ROBERT P. HANRAHAN,
Managers on the Part of the House.
LEE METCALF,
WALTER D. HUDDLESTON,
CHARLES H. PERCY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3341) to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. The short title in both bills is identical.

2. Section 2(a) amends section 5701 of title 5, United States Code. The House amendment redefines an "employee" in section 5701(2) to include individuals employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis or individuals serving without pay or at one dollar a year. The Senate bill contains no similar provision. The conference substitute adopts the House amendment.

Section 2(b) amends section 5705 of title 5, United States Code, by striking out "an individual" wherever it appears. This is a conforming Senate amendment to provide consistency with the redefinition of "employee" in subsection (a) of this section.

3. Section 3 amends section 5702 of title 5, United States Code. The Senate bill provides that for travel inside the continental United States, the per diem shall be \$35. The House amendment provides a per diem rate of "not to exceed \$35." The conference accepts the House language.

The House amendment and Senate bill contain language that permits the President or his designee (in the Senate bill) or the Administrator of General Services, or his designee (in the House amendment) to establish the per diem allowance for travel outside the continental United States. The conference accepts the Senate language.

The House amendment also provides that for travel consuming less than a full day, per diem rates may be allocated proportionally pur-

suant to regulations prescribed under section 5707 of this title. The Senate bill does not contain a similar provision. The conference accepts the House amendment.

The House amendment continues language, similar to existing law, which provides that when an employee traveling on official business away from his designated post of duty becomes incapacitated by illness or injury not due to his own misconduct, he is entitled to both the per diem allowance and appropriate transportation expenses until such time as he can again travel, and to the per diem and transportation expenses during return travel. The Senate bill does not contain similar language. The conference accepts the House amendment.

The House amendment provides that the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses. Under these circumstances, the reimbursement shall not exceed—

(1) \$50 per day for travel when the per diem otherwise allowable is inadequate (A) due to the unusual circumstances of the travel assignment, or (B) for travel to high-rate geographic areas designated under regulations prescribed under section 5707 of this title; or

(2) \$20 per day plus the locality per diem rate for travel outside the continental United States when actual expenses exceed the maximum established per diem rate for the locality.

The Senate bill contains similar provisions, but provides a \$23 per day supplement for foreign travel in the circumstances set forth above in paragraph 2. The conference accepts the House language with the single exception that the foreign travel supplement is increased from \$20 to \$21 per day.

Subsection (d) of section 3 of the conference substitute adopts the House-passed language to provide that this section does not apply to a justice or judge except to the extent provided by section 456 of title 28. The Senate bill has no similar provision.

4. Section 4 repeals section 5703 of title 5, United States Code, which provides for a per diem allowance for experts and consultants. The Senate bill retains such a provision. The House amendment redefines "employee" in section 5701(2) of title 5, U.S. Code, to include these experts and consultants, and thus entitles them to the same per diem allowance to which regular Government employees are entitled under section 5702. The conference accepts the House language.

5. Section 5 of the conference substitute amends section 5704 of title 5, United States Code, concerning mileage and related expenses. The Senate bill provides that the mileage reimbursement shall be set at 9 cents for motorcycles, 16 cents for automobiles, and 20 cents for airplanes. The House amendment provides rates for reimbursement not to exceed 9 cents per mile for motorcycles, 18 cents for automobiles, and 24 cents for airplanes.

The conference substitute maintains the Senate concept, but reduces the rates of each of the three categories of privately-owned vehicle travel. The conference substitute provides for minimum reimbursement rates of 8 cents per mile for motorcycles, 15 cents per mile for automobiles, and 18 cents per mile for airplanes.

6. Section 6 amends section 5707 of title 5 to provide for regulations and reports of the Administrator of General Services. The House amendment provides that the Administrator shall prescribe regulations necessary for the administration of this subchapter. The Senate bill contains similar language. The conference accepts the House language with a Senate conforming amendment that the Director of the Administrative Office of the U.S. Courts shall prescribe regulations with respect to official travel by employees of the judicial branch.

The conference substitute also provides that regulations issued to implement the per diem rate shall state a specific dollar amount in accordance with the provision of section 5702(a) of title 5, and the specific dollar limitation for official travel to each highrate geographic area. The purpose of this provision is to insure that both the per diem amount and the highrate geographic sum are uniformly applicable to all employees. These provisions are designed to eliminate a problem of differing per diem rates for employees traveling to the same locale on behalf of different agencies.

The conference substitute provides that the Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and the representatives of organizations of employees of the Government, shall conduct periodic investigations of both the cost of travel and the operation of privately-owned vehicles to employees engaged on official business. The conference substitute also provides for certain enumerated factors to be taken into consideration in conducting such investigations.

At least once each year, the Administrator shall determine, based on the results of his investigation, specific figures of the cost of travel (per diem) and the operation of privately-owned vehicles, and report those figures to Congress. Each report shall also be printed in the Federal Register. Within 30 days following the submission of the report, the cent figures provided for in section 5704(a) of title 5 shall be adjusted by the Administrator to the figures so determined and reported.

The cent figures shall in no case ever be administratively adjusted below those amounts provided for in section 5704(a) of title 5 and cannot be adjusted higher than—

- 11 cents a mile for the use of a privately-owned motorcycle;
- 20 cents a mile for the use of a privately-owned automobile; or
- 24 cents a mile for the use of a privately-owned airplane.

The conference substitute has not expressly provided for oversight by the General Accounting Office, a provision of the Senate bill. The conferees believe that the GAO currently has sufficient statutory authority to review and oversee all actions taken by the General Services Administration, or any other department or agency, with respect to this legislation.

7. The Senate bill amends the Supplemental Appropriation Act, 1973 (2 U.S.C. 58) to provide that a Senator's personal staff is to be reimbursed for official travel on the same basis that committee staffs are now reimbursed for official travel. The language allows Senate personal staff to receive per diem expenses for official travel to the home State of the Senator for whom they work. The per diem would

be in addition to reimbursement for the transportation expenses already paid by the Senate. No reimbursement is to be made within 120 days of any primary or general election in which the Senator is a candidate. The Senator is personally responsible for certifying claims for reimbursement. The House amendment has no similar provision. The conference substitute (section a) accepts the Senate language.

8. Section 10 of the conference substitute adopts the Senate-passed language to provide that the expenses incurred during fiscal year 1975 as a result of the increases in the per diem and mileage allowances made by this Act must be absorbed by the existing funds of the agencies or branch of government. No amount shall be appropriated for fiscal year 1975 to pay for such increases. The House amendment contains no similar provision.

9. Section 11 adopts Senate language which amends section 111(a) of title 38, United States Code, to provide that veterans with service connected injuries who are entitled to reimbursement for per diem or mileage under that section shall be reimbursed at no lower rate than those provided under section 5702 or 5704, of title 5, United States Code. This provision shall not take effect until July 1, 1975.

CHET HOLIFIELD,
JACK BROOKS,
JAMES V. STANTON,
CARLIS COLLINS,
FRANK HORTON,
JOHN BUCHANAN,
ROBERT P. HANRAHAN,
Managers on the Part of the House.
LEE METCALE,
WALTER D. HUDDLESTON,
CHARLES H. PERCY,
Managers on the Part of the Senate.

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